

## CRAM TESTIMONY

House Tourism, Outdoor Recreation and Natural Resources Committee  
March 7, 2007

Good morning Mr. Chair and members of the committee.

My name is Ed Noyola, Deputy Director, Michigan County Road Association of MI.

I am hear in response to the as introduced House Bill 4323. The bill would amend the Environmental Protection Act by expanding the ordinance authority of a county board of commissioners to unlimited ORV access on local road rights-of-way. According to the AG, any local jurisdiction that has already approved an ordinance giving OVRs access beyond creating ORV connectors has gone beyond the limits of the law. More specifically, the bill would authorizes non road and safety engineers or professionals who have no level of accountability or liability ~~by~~<sup>to</sup> allow children as young as 10 years old, to drive on the shoulders of your local roads. Regardless if any safety issue exist or an individuals expertise in handing an ORV. And where there are no shoulders, the ORV user will be in the vehicle traveling portion of the roadway.

While the bill expands roadway access without any direct input from road commissions or surrounding stakeholders. It also does nothing to reduce the liability of road commissions should a vehicle be involved in an accident because of damage done to a shoulder by an ORV or a motorist trying to pass an OVR, where there are no shoulder, and the ORV is in traveling portion of the roadway. Again, the board approves road use ordinances and the road commission has all the liability. That doesn't sound very fair to us.

When I speak of safety issues, I am referring to traffic volume, traffic speed, sight distance, geometrics, no shoulders, road condition, number of intersections and/or driveways . What do these young people know about the rules of the road, public and private property owner rights, trespassing, and where does a federal or state forest begin and end. Some of these issues will need comments from those respective state agencies. I'll let them speak for themselves.

While I appreciate some of the safe guards and penalties in the bill, I'll let law enforcement speak to that matter; how is law enforcement really going to

monitor and enforce this expanded legislation? What is going to prevent a person from darting into an open or wooded area to avoid law enforcement? Does law enforcement have those sorts of revenues to really enforce this legislation? I would think there are currently some enforceable laws on the books right now regarding OVRs. I would be curious to know: per county, how many citations are issued annually.

This would be a good indicator as to how much revenue this bill will generate because 50% would go to local law enforcement and 50% to be divided between road and environmental damage and the posting of ORV speed limit signs. The bill says nothing about the cost to fabricate the signs, that would be a 100% cost to the road commission. Nor does it address the civil infraction legislation. It is my understanding that a portion of all civil infraction citation or fine must be deposited into the local library fund/account. That needs further clarification.

ORV advocates insist their portion of fuel taxes they pay are going to maintain and improve roadways and that is why they feel they have a right to

the roadway or they want their fuel taxes revenues to go toward roadway improvement so they can have better access to local roads. That couldn't be further from the truth. Of the fuel tax collected, 2% goes to the DNR, Recreation Fund and is distributed according legislation. So for the OVR users to say they want there fuel taxes to be used a certain way . . . its already being done as prescribed by law right now. And there is no additional funding to consistently maintain our shoulder and gravel roads due to ORV damage.

Considering all of my comments and without further considerations to road commissions, CRAM is opposed to the as introduced HB 4323. And if the committee is insistent on move forward with this bill, what good for the goose is good for the gander, so let include anyone that has right-of-way. Why should it be just local road right-of-way.

If the committee has any questions, I'd be glad to answer them to the best of my ability. Thank you for allowing me the opportunity to speak to you today.